

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MICHELE PEART,

Plaintiff,

vs

1:04-CV-1271

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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APPEARANCES:

OF COUNSEL:

LOUISE MARIE TARANTINO, ESQ.  
Empire Justice Center  
Attorneys for Plaintiff Second Floor  
119 Washington Avenue  
Albany, NY 12210

HON. GLENN T. SUDDABY  
United States Attorney  
Northern District of New York  
Attorney for Defendant  
P. O. Box 7198  
100 South Clinton Street  
Syracuse, New York 13261-5165

WILLIAM H. PEASE, ESQ.  
Assistant U.S. Attorney

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff filed this action in November 2004, seeking judicial review of the denial of her application for disability insurance and supplemental security income benefits under the Social Security Act. By 63 page Report-Recommendation dated February 27, 2007, the Honorable David E. Peebles, United States Magistrate Judge, recommended that plaintiff's motion for judgment on the pleadings be granted; the Commissioner's determination of no disability be vacated; and that the matter be remanded to the agency for further

consideration pursuant to sentence four of 42 U.S.C. § 405(g). No objections have been filed.

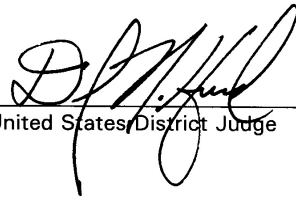
Based upon a careful review of the entire file and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. Plaintiff's motion for judgment on the pleadings is GRANTED;
2. The Commissioner's determination of no disability is VACATED; and
3. This matter is REMANDED to the Agency for further consideration consistent with the Report-Recommendation.

IT IS SO ORDERED.

Dated: March 28, 2007  
Utica, New York.



United States District Judge